

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 11, 2001

DIVISION ONE

B148777 In re Andre M., a Person Coming (Not for Publication)
 Under the Juvenile Court Law
 v.
 Los Angeles County Department of Children and Family Services
 Tammie W.

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
 Vogel (Miriam A.), J.

B147835 People (Not for Publication)
 v.
 Shirley

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
 Mallano, J.

DIVISION ONE (Continued)

B145480 In re Teresa H. and Mister Lee N. (Not for Publication)

v.

Department of Children and Family Services, Los Angeles County
Robbie R.

The dispositional order denying Mother reunification services with Mister Lee N. is affirmed. That portion of the court's November 1, 2000 order terminating Joe Anne R.'s reunification services is affirmed. The portion of the same order terminating Joe Anne's guardianship of Teresa H. is reversed.

Spencer, P.J.

We concur: Ortega, J.
 Mallano, J.

B133851 Kyan Tucker, a Minor, etc. (Not for Publication)

v.

County of Los Angeles

The judgment is reversed. The County is entitled to its costs on appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Ortega, J.

B146662 People (Not for Publication)

v.

Ward

The judgment is affirmed.

Ortega, Acting P.J.

I concur: Vogel (Miriam A.), J.

I concur & dissent: Mallano, J. (Opinion)

DIVISION ONE (Continued)

B141159 People (Not for Publication)
v.
Hoy

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

B137341 Roche (Not for Publication)
v.
Roche

The judgment and post-judgment order awarding costs are affirmed. The appeal from the order denying a new trial is dismissed.

Spencer, P.J.

We concur: Ortega, J.
Mallano, J.

DIVISION THREE

B144374 People (Not for Publication)
v.
Sanchez

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

DIVISION THREE (Continued)

B144898 People (Not for Publication)
v.
Riley

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B147993 People (Not for Publication)
v.
Dominguez

The judgment is modified to reflect a restitution fine and a parole revocation fine in the amount of \$200. (§§ 1202.4, subd. (b), 1202.45.) In all other respects, the judgment is affirmed. The clerk of the superior court is ordered to prepare and forward to the Department of Corrections an amended abstract of judgment.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B139045 Morales (Not for Publication)
v.
Paredes, et al.

The judgment is affirmed. Plaintiff is awarded her costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION THREE (Continued)

B143153 Camarillo (Not for Publication)
v.
Palmer, et al.

The judgment is affirmed. Defendant and Palmer shall recover their costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

B147205 Jorgen and Corina B. (Not for Publication)
v.
Superior Court, Los Angeles County
(L.A. Department of Children and Family Services, r.p.i.)

The order from which Mother and Father have appealed is affirmed.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

B143711 Shirian (Not for Publication)
v.
Topa Insurance Company, et al.

The judgment is affirmed. Costs on appeal to Williams.

Croskey, Acting P.J.

We concur: Kitching, J.
Aldrich, J.

DIVISION FOUR

B145054 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Amy T.

The orders are reversed and the cause remanded to the juvenile court for further proceedings consistent with the views expressed in this opinion.

Epstein, J.

We concur: Vogel (C.S.), P.J.
 Hastings, J.

B138624 Cuenllas (Certified for Partial Publication)
 v.
 VRL International, LTD.

The order granting the motion to quash is affirmed. Costs are awarded to respondent.

Hastings, J.

We concur: Vogel (C.S.), P.J.
 Curry, J.

B145640 People
 v.
 Givhan

Filed order denying publication.

DIVISION FIVE

B145934 People v. Michael W. Turner (Not for Publication)
B152551 In re Michael W. Turner on Habeas Corpus

The judgment is affirmed. The petition for writ of habeas corpus is denied.

Armstrong, J.

We concur: Turner, P.J.
 Willhite, J. (Assigned)

B143472 Edward Cremarosa (Not for Publication)
 v.
 Monique Godbille et al.

The appeal is dismissed as to Francois Godbille. The judgment is affirmed as to Monique Godbille. Respondent Edward Cremarosa, doing business as Studio City Automotive, is awarded his costs on appeal.

Grignon, J.

We concur: Turner, P.J.
 Willhite, J. (Assigned)

B145447 People (Not for Publication)
 v.
 Bobby Kimbrough

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Willhite, J. (Assigned)

DIVISION FIVE (Continued)

B147738 People (Not for Publication)
v.
Adan Sanchez

The judgment is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.
Willhite, J. (Assigned)

B143091 People (Not for Publication)
v.
Roberto R. Gallardo et al.

The enhancement pursuant to section 12022, subdivision (a)(1) imposed on count 2 (assault with a firearm) with respect to each defendant is stricken. The clerk of the superior court is directed to amend each defendant's abstract of judgment to reflect the striking of the section 12022, subdivision (a)(1) enhancement and the imposition of a 20-year term under section 12022.53, subdivisions (c) and (e)(1), and forward the corrected abstracts to the Department of Corrections. In all other respects, the judgments are affirmed.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Willhite, J. (Assigned)

B141293 Brian Duff (Not for Publication)
v.
Rosenfield Law Firm et al.

The judgment is reversed. Plaintiff to recover costs of appeal.

Armstrong, J.

We concur: Grignon, Acting P.J.
Willhite, J. (Assigned)

DIVISION FIVE (Continued)

B145206 Meredith Sanford Silk (Not for Publication)
 v.
 Linda Schulman

The order granting the petition is reversed, as is the order striking Schulman's objections to that petition, and the matter is remanded to the trial court for a hearing. Schulman to recover costs on appeal.

Armstrong, J.

I concur: Grignon, J.
I dissent: Turner, P.J. (opinion)

B145479 William M. Costley (Not for Publication)
 v.
 Marc Hankin etc., et al.

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Willhite, J. (Assigned)

B142813 Bruce Amberger (Not for Publication)
 v.
 Robert Maine

The judgment is affirmed. Respondent(s) to recover costs.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Willhite, J. (Assigned)

DIVISION FIVE (Continued)

B148177 People (Not for Publication)
v.
Juan Mejia

The judgment is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.
Willhite, J. (Assigned)

B138661 People (Not for Publication)
v.
Mayra Figueroa

The judgment is affirmed.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Willhite, J. (Assigned)

B147568 People (Not for Publication)
v.
Leonard Cornish

The judgment is affirmed.

Turner, P.J.

We concur: Armstrong, J.
 Willhite, J. (Assigned)

DIVISION FIVE (Continued)

B144237 Goldx Financial Services, Inc. (Not for Publication)
 v.
 Bank of America

The judgment is affirmed. Respondent(s) to recover costs.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Willhite, J. (Assigned)

B142104 People (Not for Publication)
 v.
 Eva Hernandez

The judgment is affirmed.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Willhite, J. (Assigned)

B147680 People (Not for Publication)
 v.
 Angel Vasquez

The judgment is modified to award him 393 days of presentence credit (342 actual, 51 conduct). As modified, the judgment is affirmed.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Willhite, J. (Assigned)

DIVISION FIVE (Continued)

[illegible]

The judgment is affirmed.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Willhite, J. (Assigned)

B149690 People (Not for Publication)
v.
Raul Gamera

The judgment is affirmed.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Willhite, J. (Assigned)

B148425 Los Angeles County, D.C.S. (Not for Publication)
v.
Anthony R.

The judgment is affirmed.

Willhite, J. (Assigned)

We concur: Turner, P.J.
 Grignon, J.

DIVISION SIX

Court convened at 9:00 A.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Deputy Clerk.

B148128 Swanson v. St. John's Regional Medical Center

Argument continued to November, 2001.

B140723 Reay
v.
Bashner

Merits:

Argued by Kim D. Scovis for appellant and by Jeffry A. Miller for respondents. Cause submitted.

B143534 Toombs
v.
California Department of Corrections

Merits:

Argued by James Otis Vaughn for appellant and by Michelle Logan-Stern for respondent. Cause submitted.

B140063 Hernandez
v.
Fresch

Merits:

Argued by Stephen Allen Jamieson for appellants and by David E. Kenney for respondents. Cause submitted.

DIVISION SIX (Continued)

B144394 Vaughan
 v.
 Jacobs & Jacobs

Merits:

Argued by Wendy C. Lascher for appellant and by Michael E. McCreary for respondent. Cause submitted.

B145826 Embarcadero Municipal Improvement Dist.
 v.
 Goleta West Sanitary Dist.

Merits:

Argued by Stanley M. Roden for appellant and by Robert E. Goodwin for respondent. Cause submitted.

Court recessed at 9:55 A.M.

Court reconvened at 1:30 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Deputy Clerk.

Each of the following:

B142600 People v. Moreno
B143043 People v. Samuel
B144398 People v. Brown
B144490 People v. Pollak
B145744 People v. Mitchell
B148484 People v. Payne
B148876 People v. Belloso
B148978 People v. Cruz
B149224 People v. Gulley

Argument waived, cause submitted.

DIVISION SIX (Continued)

B145944 People
 v.
 Pagliari

Merits:
Argued by Mark Brown for appellant and by William H. Davis, Deputy Attorney General, for respondent via video conference. Cause submitted.

B145553 People
 v.
 Jiles

Merits:
Argued by Allen G. Weinberg for appellant via video conference and by Kenneth C. Byrne, Deputy Attorney General, for respondent via video conference. Cause submitted.

B146950 People
 v.
 Ferrizz

Merits:
Argued by Leonard J. Klaif for appellant and by Hye Y. Yang, Deputy Attorney General, for respondent via video conference. Cause submitted.

B146720 People
 v.
 Raville

Merits:
Argued by Leonard Chaitin for appellant and by William T. Harter, Deputy Attorney General, for respondent via video conference. Cause submitted.

Gilbert, P.J. left the bench.

DIVISION SIX (Continued)

B141749 People
 v.
 Tomasian

Merits:

Argued by Jerald W. Newton for appellant and by Hye Y. Yang, Deputy Attorney General, for respondent via video conference. Cause submitted.

Court adjourned at 2:50 P.M.

DIVISION SEVEN

Court convened at 9:00 A.M.

Present: Lillie, P.J., Johnson, J., Woods, J., Boland, J. (Assigned) and Emma Jean Amos, Deputy Clerk.

Each of the following:

B121816 People v. Yarborough
B141972 People v. Brooks
B142275 People v. Young and Houston
B142587 People v. Wilson
B143385 People v. Lizarraga
B143923 People v. Cole
B144019 People v. Adame
B144031 People v. Garcia
B144074 People v. Priaulx
B144272 People v. Smith
B144280 People v. Calderon
B144865 People v. Vasquez
B144969 People v. Lopez
B145935 People v. Marks
B146294 People v. Alan O.
B146465 People v. Valdez
B146729 People v. Jolly
B147068 People v. Edwards S.
B147225 People v. Treadway
B147728 People v. Griffen

DIVISION SEVEN (Continued)

Each of the following (continued):

B148236 People v. Hendrick
B146927 D.C.F.S. v. Linda S.
B147625 D.C.F.S. v. Tricia T.
B148778 D.C.F.S. v. Cynthia S.
B151830 Cynthia E. v. S.C.L.A.
B151863 Beverly L. v. S.C.L.A.

Argument waived, cause submitted.

B142191 People
 v.
 Ellington

Merits:

Argued by Jerry D. Whatley for appellant and by David A. Voet, deputy attorney general for respondent. Cause submitted.

B143093 People
 v.
 Salazar

Merits:

Argued by Mark Leen for appellant and by Zee Rodriguez, deputy attorney general for respondent. Cause submitted.

B146090 People
 v.
 Marshall

Merits:

Argued by Leonard J. Klaif for appellant and by Kelly C. Fincher, deputy attorney general for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B139632 People
 v.
 Cole

Merits:

Argued by Gisela Caldwell for appellant and by David E. Madeo, deputy attorney general for respondent. Cause submitted.

B143288 People
 v.
 Viramontes

Merits:

Argued by Robert E. Boyce for appellant and by Richard Cullather, deputy attorney general for respondent. Cause submitted.

B144217 People
 v.
 Canaan

Merits:

Argued by David S. Krueger for appellant and by Ronald A. Jakob, deputy attorney general for respondent. Cause submitted.

B140790 People
 v.
 Simon

Merits:

Argued by Carlo Andreani for appellant and by Rori Michelle Ridley, deputy attorney general for respondent. Cause submitted.

B140742 Arnold
 v.
 County of Los Angeles

Merits:

Argued by Marvin Louis Wolf for appellant and by Dana Adelstein for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B146030 Los Angeles County, D.C.S.

v.

Reshona G.

In re Diona M.

Merits:

Argued by Bill Hence for appellant and by Kim Nemoy, deputy county counsel for respondent. Cause submitted.

B145038 People of the State Calif., ex rel. Financial Indemnity Company

v.

Laff et al.

Reid

Merits:

Argued by David J. Wilson for appellant and by Laurence House and Stephen F. Guiner for respondents. Cause submitted.

B123203 Hubner

v.

Hubner

Merits:

Argued by Judith Salkow Shapiro for appellant and by Honey Kessler Amado for respondent. Cause submitted.

B136817 Rogers

v.

First Nationwide Mortgage

Appearances:

Kimberly Wong for respondent and by and no appearance by appellant. Argument waived, cause submitted.

Court recessed at 12:07 P.M.

Court reconvened at 2:03 P.M.

Present: Lillie, P.J., Johnson, J., Woods, J., Boland, J. (Assigned) and Emma Jean Amos, Deputy Clerk.

DIVISION SEVEN (Continued)

B142507 Levine
 v.
 Levine

Merits:
Argued by Robert M. Victor for appellant and by Garrett Dailey for
respondent. Cause submitted.

B141595 Edwards
 v.
 Rosenstein

Merits:
Argued by Lawrence M. Schulner for appellant and by Eva S. Halbreich for
respondent. Cause submitted.

B151279 Stephen & Sandra V.
 v.
 Dolores D.
 Baby Boy D., a minor

Merits:
Argued by John Dodd for appellants and by Curtis Liftwich and Michael
Kretzmer for respondents. Cause submitted.

B148375 People v. French
B141292 In Re Allen R. French on Habeas Corpus

Oral argument continued to 11-01-01 at 10:00 a.m.

B139781 San Paolo U.S. Holding Company
 v.
 Waks et al.

Appearances:
Laura McSwiggins for appellant and by Mitchell Ludwig for respondents.
Argument waived, cause submitted.

DIVISION SEVEN (Continued)

B144800 Orford-Klock
 v.
 Southern California Gas Company

Merits:
Argued by Bruce I. Favish for appellant and by Rachel M. La Mothe for
respondent. Cause submitted.

B136359 Alevy et al.
 v.
 Horwood et al.

Merits:
Argued by Gordon Gitlen for appellants and by Avivi L. Tuchman for
respondents. Cause submitted.

B146869 Golden Eagle Insurance Company
 v.
 Rocky Cola Cafe, Inc. et al.

Merits:
Argued by Timothy A. Gonzales for appellant and by Steven Murray for
respondents. Cause submitted.

B138822 Kahn et al.
 v.
 Farmers Insurance Group
 Eckstein

Merits:
Argued by Martin Reiner for appellants and by John Salisbury and Limor
Lehavi for respondents. Cause submitted.

B145664 Suzuki et al.
 v.
 Eli Lilly & Company

Matter ordered off calendar.

October 11, 2001-Continued

DIVISION SEVEN (Continued)

B145240 People
 v.
 Smith

Oral argument continued to 11-01-01 at 9:00 a.m.

Court adjourned at 4:36 P.M.